

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
1278 (954) P

August 22, 2007

EMS
Information Bulletin No. ID-2007-047

To: All Employees

From: Deputy State Director for Support Services

Subject: Differences Between the Freedom of Information Act (FOIA) and the Privacy Act

The attached document outlines the differences between the FOIA and the Privacy Act and is provided for your information.

More information about the FOIA and the Privacy Act may be found at the following websites:

www.doi.gov/foia/

www.doi.gov/ocio/privacy/

If you have any questions, please contact Linda Perkins, State FOIA and Privacy Act Officer, at (208) 373-3947 or by e-mail to Linda_Perkins@blm.gov.

Signed
Anna F. Steele

Authenticated
Shellie Hartsock
Administrative Specialist

1 Attachment:
1 – Differences (1 p)

DIFFERENCES BETWEEN THE FREEDOM OF INFORMATION ACT (FOIA) AND THE PRIVACY ACT

(August 2007 - State FOIA/Privacy Act Office - 208-373-3947)

FOIA	PRIVACY ACT
<p>Purpose: Provides that any person has a right of access to federal agency records, except for those records (or information) protected from disclosure by nine stated exemptions or three exceptions.</p> <p>Exemptions are explained in Chapter 5 of the FOIA Handbook (383 DM15) and exceptions are explained in Chapter 1 (1.3B). The Handbook may be found at the following website: www.doi.gov/foia/handbook_2004.pdf</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • To balance the government's need to maintain information about individuals with the rights of individuals to be protected against unwarranted invasions of privacy. • To restrict disclosure of personally identifiable records. (disclosure = to make known; divulge) • To grant individuals access to records maintained on themselves. • To grant individuals the right to seek amendment of records maintained on themselves. • To place limitations on the collection, use, and dissemination of personally identifiable information about an individual maintained by an agency and contained in an agency's system of records. • To provide public notice and maintenance of information requirements.
<p>Requests: A request can be made by any individual (including a non-U.S. citizen), foreign citizens, partnerships, corporations, associations, media, public interest groups, state, local, or foreign governments, and Indian tribes. Federal agencies or fugitives from justice may not make FOIA requests.</p>	<p>Requests: A Privacy Act request can only be made by the individual who is the subject of the file in a "system of records." The Privacy Act applies to U.S. citizens and aliens lawfully admitted for permanent residence.</p> <p>OMB advises that when a Privacy Act request is received, the FOIA should also be invoked in order to provide the individual with the greatest possible access to information about themselves.</p>
<p>Records covered by requests: Any records maintained by the agency in any format, including electronic format.</p>	<p>Records covered by the Act: Covers agency "systems of records" which are any groupings of records under the control of the agency from which information is retrieved by the name of the individual or other personal identifier.</p> <p>Privacy Act Systems of Records Notices: www.doi.gov/ocio/privacy/List_doipa_notices_9.06.06.html</p>
<p>Disclosure (to make known; divulge) requirements:</p> <ul style="list-style-type: none"> • Certain public information available in public reading rooms and published in the Federal Register (5 U.S.C. 552(a)(2)) • Certain information required to be made available in the electronic reading room at bureau/office websites • Other information not available from the above, if requested under FOIA, must be released if one of the nine exemptions or three exceptions does not apply. 	<p>Disclosure requirements:</p> <ul style="list-style-type: none"> • Disclosure to subject of file unless both a Privacy Act and a FOIA exemption apply. • Consent of individual to disclose to third parties required, except when the FOIA requires release, an employee of the agency has a "need to know," or any of the 12 Privacy Act exemptions or 7 Privacy Act exceptions apply.
<p>Fees: Fees may be charged for search, review, duplication; depends on fee category. No charge if total fees are under \$30. (43 CFR Part 2, Appendix C)</p>	<p>Fees: Only for copying a record in response to a request (43 CFR Part 2, Appendix C)</p>